

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERINATA HEALTH, INC., et al.,

Plaintiffs,

v.

ARIOSIA DIAGNOSTICS, INC, et al.,

Defendants.

Case No. [12-cv-05501-SI](#)

ORDER RE: DISCOVERY

Re: Dkt. No. 414

Before the Court is a joint discovery letter from plaintiffs Illumina, Inc. and Verinata Health, Inc., and defendant Ariosa Diagnostics, Inc. Dkt. No. 414. On August 15, 2017, plaintiffs deposed defendant's expert, Dr. John Quackenbush. *Id.* at 1. Plaintiffs assert that Dr. Quackenbush was "non-responsive, convoluted and unnecessarily long-winded," and they seek an order compelling him to reappear for three additional hours of deposition. *Id.* at 1-3. Defendant argues that this request is untimely, meritless, and prejudicial. *Id.* at 3-5.

"A party must obtain leave of court, and the court must grant leave to the extent consistent with [Federal] Rule [of Civil Procedure] 26(b)(1) and (2)" if "the deponent has already been deposed in the case[.]" Fed. R. Civ. P. 30(a)(2)(A)(ii). "[T]he court must limit the frequency or extent of discovery otherwise allowed . . . if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1)." Fed. R. Civ. P. 26(b)(2)(C).

The Court has reviewed the deposition transcript and the parties' arguments. Under these circumstances, the Court does not find it appropriate to compel a second deposition. Although Dr.

Quackenbush was discursive, his answers appear fairly comprehensive. As defendant correctly notes, plaintiffs have not identified any specific topics on which they were unable to adequately question Dr. Quackenbush. *See* Dkt. No. 414 at 5. Accordingly, the Court DENIES plaintiffs' request for an order compelling defendant to produce Dr. Quackenbush for another deposition.

IT IS SO ORDERED.

Dated: 9/15/17



SUSAN ILLSTON
United States District Judge